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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,528	01/17/2002	Joseph K. Ollis	13768.237	9287

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WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

PAN, YUWEN

ART UNIT PAPER NUMBER

2682

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Up

Office Action Summary	Application No. 10/051,528	Applicant(s) OLLIS ET AL.	
	Examiner Yuwen Pan	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-7, 9-11, and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday et al (US006665521B1) in view of Phillips (US006748195B1).

Per claims 1, 17-19, and 24 are Gorday discloses that in a wireless network that includes a number of wireless devices including a source wireless device capable of transferring items over the wireless network using a plurality of different wireless transfer mechanisms, and including one or more potential destination wireless devices capable of receiving items over the wireless network using at least one of the different wireless transfer mechanisms, a method for facilitating user selection of one or more destination wireless devices from the one or more potential destination wireless devices without requiring that the user of the source wireless device identify a wireless transfer mechanism, the method comprising the following:

an act of the source wireless device presenting the one or more potential destination wireless devices to the user in a unified user interface (figure 1);

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an act of receiving a user selection of one or more destination wireless devices of the one or more potential destination wireless devices (column 3 and lines 9-28); and

an act of automatically, and without user intervention, identifying wireless transfer mechanisms to use when transferring one or more items to each of the one or more selected destination wireless devices (see column 2 and lines 4-38).

Gorday doesn't teach an act of detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer mechanisms, each of the plurality of available destination wireless devices using at least one distinct wireless transfer mechanism and the act of receiving a user selection of one or more destination wireless devices without requiring separate user selection of a specific wireless transfer mechanism for each of the one or more selected destination wireless devices.

Phillips teaches an act of detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless profiles, each of the plurality of available destination wireless transfer mechanisms (see figure 5-9, column 3 and lines 1-9, column 7 and lines 3-17) and the act of receiving a user selection of one or more destination wireless devices without requiring a separate user selection of a specific wireless profiles for each of the one or more selected destination wireless devices (see figure 1, column 3 and lines 4-32, figure 4 and column 6 and lines 49-67).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Phillips with Gorday such that alls for operating the wireless devices in a manner that optimally uses the available resources in accordance with a operating situation.

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Per claims 2, 4, Gorday further teaches that an act of sending the one or more items to the selected one or more destination wireless devices using the identified wireless transfer mechanisms (see figure 1).

Per claim 3, 5, 6 and 22, 23, Gorday further teaches an act of determining that it is appropriate to send the one or more items to the selected one or more destination wireless devices (see column 3 and lines 15-28).

Per claims 7 and 21, Gorday further teaches that the user identifies the group consisting of partner availability to receive one or more data by using diversity gain.

Per claims 9 and 10, Gorday further teaches that the plurality of wireless transfer mechanisms also includes a Bluetooth wireless transfer mechanism (see column 2 and lines 20-25).

Per claim 11, Gorday further teaches that the wireless transfer mechanism available to each of the presented one or more potential destination wireless device is obscured from user view (see column 3 and lines 15-28).

Per claims 16 and 20, Gorday further teaches that the wireless transfer mechanism available to each of the one ore more potential destination wireless devices is identified in the unified user interface by using an audibly distinguishable features of reach of the plurality wireless transfer mechanisms and comprise memories (see column 3 and lines 9-15).

4. Claims 8, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday (US006665521B1) and Phillips (US006748195B1) in further view of Beamish et al (US006694143B1).

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Per claim 8, Gorday doesn't teach that the plurality of wireless transfer mechanisms includes one or more infrared wireless transfer mechanisms.

Beamish teaches that the plurality of wireless transfer mechanisms includes one or more infrared wireless transfer mechanisms (see column 2 and lines 1-9).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Beamish with Gorday such that the wireless device would be able to interact other wireless device via infrared wireless transfer mechanism in which is well known in the art that provide short range wireless communication beside Bluetooth.

Per claims 12-15, Beamish further teaches an act of sending all of the one or more items except for the at least some of the one or more items to the selected one or more destination wireless device using the identified wireless transfer mechanisms (see column 30-49).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yawen Pan
November 1, 2004


LEE NGUYEN
PRIMARY EXAMINER